



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

JMH:CWE
F. #2021R01035

*271 Cadman Plaza East
Brooklyn, New York 11201*

January 4, 2022

By E-Mail and ECF

Michelle Gelernt, Esq.
Federal Defenders of New York
One Pierrepont Plaza, 16th Floor
Brooklyn, New York 11201

Re: United States v. Angel Almeida
Criminal Docket No. 21-613 (SJ) (TAM)

Dear Counsel:

Enclosed please find the government's first production of discovery via USAfx in accordance with Rule 16 of the Federal Rules of Criminal Procedure. The government also requests reciprocal discovery from the defendant.

I. The Government's Discovery

A. Statements of the Defendant

The following documents and records include the defendant's statements pursuant to Rule 16, public social media statements, Bates-numbered DOJ_ALMEIDA_000092, DOJ_ALMEIDA_000102 – DOJ_ALMEIDA_000456, DOJ_ALMEIDA_000636 – DOJ_ALMEIDA_000637.

B. The Defendant's Criminal History

Enclosed are copies of the following items reflecting the defendant's criminal history: New York Police Department Records, FBI records, E-Justice report records, and Florida state criminal court records, Bates-numbered DOJ_ALMEIDA_000001 – DOJ_ALMEIDA_000091.

C. Documents and Tangible Objects

Enclosed please find:

- Documents received from Amazon including records relating to a skull mask purchased by the defendant, Bates numbered DOJ_ALMEIDA_000097 – DOJ_ALMEIDA_000099 and DOJ_ALMEIDA_000673–DOJ_ALMEIDA_000677;
- Records received from the Bureau of Prisons related to the defendant's communications while in custody at the Metropolitan Detention Center, Bates numbered DOJ_ALMEIDA_000100 – DOJ_ALMEIDA_000101;
- Phone records received from T-Mobile relating to a telephone number associated with the defendant, Bates numbered DOJ_ALMEIDA_000635, DOJ_ALMEIDA_000684 – DOJ_ALMEIDA_000720;
- Documents related to the findings of the search of the defendant's residence on November 23, 2021 pursuant to a warrant, Bates-numbered DOJ_ALMEIDA_000457 – DOJ_ALMEIDA_000634;
- Records received from Facebook in response to a warrant and records recovered from open-source social media databases, Bates-numbered DOJ_ALMEIDA_000092, DOJ_ALMEIDA_000102 – DOJ_ALMEIDA_000456, DOJ_ALMEIDA_000636 – DOJ_ALMEIDA_000637; and
- Documents related to surveillance conducted on the defendant by law enforcement, Bates-numbered DOJ_ALMEIDA_000093 – DOJ_ALMEIDA_000096, DOJ_ALMEIDA_000638 – DOJ_ALMEIDA_000638, and DOJ_ALMEIDA_000678 – DOJ_ALMEIDA_000680.

The government is also in possession of the firearm and ammunition obtained in connection with this case, as well as physical items recovered on the day of the defendant's arrest, including (i) clothing, including a mask and hats and (ii) electronic devices. Other items are detailed in the enclosed property inventory (DOJ_ALMEIDA_000629 - DOJ_ALMEIDA_000634). You may examine the physical evidence discoverable under Rule 16, including original documents, by calling us to arrange a mutually convenient time.

D. Reports of Examinations and Tests

The government will provide you with copies of any reports of examinations or tests in this case as they become available.

E. Expert Witnesses

The government will comply with Fed. R. Crim. P. 16(a)(1)(G) and Fed. R. Evid. 702, 703 and 705 and notify you in a timely fashion of any expert that the government intends to call at trial and provide you with a summary of the expert's opinion. At this time, the government anticipates that it will call an expert at trial to testify regarding the recovered firearm.

F. Brady Material

The government understands and will comply with its continuing obligation to produce exculpatory material as defined by Brady v. Maryland, 373 U.S. 83 (1963), and its progeny.

Before trial, the government will furnish materials discoverable pursuant to Title 18, United States Code, Section 3500, as well as impeachment materials. See Giglio v. United States, 405 U.S. 150 (1972).

G. Other Crimes, Wrongs or Acts

The government will provide the defendant with reasonable notice in advance of trial if it intends to offer any material under Fed. R. Evid. 404(b).

II. The Defendant's Required Disclosures

The government hereby requests reciprocal discovery under Rule 16(b) of the Federal Rules of Criminal Procedure. The government requests that the defendant allow inspection and copying of (1) any books, papers, documents, data, photographs, tapes, tangible objects, or copies or portions thereof, that are in the defendant's possession, custody or control, and that the defendant intends to introduce as evidence or otherwise rely on at trial, and (2) any results or reports of physical or mental examinations and of scientific tests or experiments made in connection with this case, or copies thereof, that are in the defendant's possession, custody or control, and that the defendant intends to introduce as evidence or otherwise rely upon at trial, or that were prepared by a witness whom the defendant intends to call at trial.

The government also requests that the defendant disclose prior statements of witnesses who will be called by the defendant to testify. See Fed. R. Crim. P. 26.2. In order to avoid unnecessary delays, the government requests that the defendant have copies of those statements available for production to the government no later than the commencement of trial.

The government also requests that the defendant disclose a written summary of testimony that the defendant intends to use as evidence at trial under Rules 702, 703, and 705 of the Federal Rules of Evidence. The summary should describe the opinions of the witnesses, the bases and reasons for the opinions, and the qualification of the witnesses.

III. Emails Sent and Received by Defendants Incarcerated at a Bureau of Prisons Facility

The government may request that the Bureau of Prisons (“BOP”) produce to the government emails sent and received by the defendant during his/her period of incarceration at a BOP facility (collectively, “BOP email communications”). While it is the government’s position that BOP email communications, including those between the defendant and his or her attorneys and other legal assistants and paralegals on their staff, are not privileged communications, in most instances, the government will request that the BOP exclude from any production communications between the defendant and his or her attorneys and other legal assistants and paralegals on their staff, if you provide the full email addresses for such attorneys, legal assistants and paralegals by January 30, 2022. To enable this process, the government requests that you send an email to the undersigned Assistant U.S. Attorney with the list of email addresses in the body of the email. If you subsequently wish to provide an email address for an additional attorney, legal assistant or paralegal or change any of the previously-provided email addresses, you should send an email with the complete list of email addresses, including email addresses that remain unchanged, in the body of the email.

IV. Future Discussions

If you have any questions or requests regarding further discovery or a disposition of this matter, please do not hesitate to contact me.

Please be advised that, pursuant to the policy of the Office concerning plea offers and negotiations, no plea offer is effective unless and until made in writing and signed by authorized representatives of the Office. In particular, any discussion regarding the pretrial disposition of a matter that is not reduced to writing and signed by authorized representatives of the Office cannot and does not constitute a “formal offer” or a “plea offer,” as those terms are used in Lafler v. Cooper, 132 S. Ct. 1376 (2012), and Missouri v. Frye, 132 S. Ct. 1399 (2012).

Very truly yours,

BREON PEACE
United States Attorney

By: /s/ Chand W. Edwards-Balfour
Chand W. Edwards-Balfour
Assistant U.S. Attorney
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Enclosures

cc: Clerk of the Court (SJ) (by ECF) (without enclosures)